

COUNCIL ON MENTALLY ILL OFFENDERS

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MINUTES

July 19, 2007

This meeting was held opposite the Department of Mental Health Building in the Bunderson Building located at 901 P Street – Room 102-A in Sacramento.

In Attendance:

Council Members

Stephen W. Mayberg, Ph.D., Vice-Chairperson
Wendy Lindley, Judge, Orange County Superior Court
Duane E. McWaine, M.D., Medical Director, DHCMHC, Los Angeles
David Meyer, J.D., USC Institute of Psychiatry, Law, and Behavioral Science
Jo Robinson, M.F.T., Assistant Director, Programs, San Francisco Jail Psychiatric Services
James W. Sweeney, Principal, James W. Sweeney & Associates
Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff

Support Staff

Allan Lammers, Executive Officer
Bruce Slavin, Counsel to COMIO

Interested Parties

Helene Zentner, Consultant, Corrections Standard Authority, Sacramento
Steven Manley, Judge, Santa Clara Superior Court
Ken Carabello, President, Forensic Mental Health Association, California
Molly Willenbring, Executive Director, Forensic Mental Health Association
Emily Brayton, Area Business Specialist, Ortho-McNeil & Janssen Pharmaceutical Services
Betty Sutton, Ph.D., California Psychological Association, Folsom
Doug McKeever, Director, Mental Health, Division of Correctional Health Care Services, CDCR (representing Chairperson James E. Tilton)
Joseph A. Partansky, Advocate for the Frail, Elderly, and Person with Disabilities, Concord
Goldie Parino, Associate Governmental Program Analyst, Division of Adult Parole Operations, CDCR
Karen Moen, Collaborative Justice Project, Administrative Office of the Courts
Kat Richardson, Rosen, Bien, and Galvan, San Francisco
James Kenshalo, LCSW, Contra Costa County Mental Health Services, Concord
Stephanie Wagner, DMH
John, Gannon, Ph.D., American Association for Correctional and Forensic Psychology
Yolanda Munillo, CDCR
Kate Bell, Capitol Advocacy

Absent:

Council Members James E. Tilton, Chairperson and Dave Lehman, Chief Probation Officer (Retired), Humboldt County

The meeting was called to order at 10:14 a.m. by Stephen W. Mayberg, Ph.D., Vice-Chairperson. A quorum was present.

AGENDA ITEM 1 - Opening Comments/Previous Meeting Minutes

Dr. Mayberg, Vice-Chairperson, welcomed all in attendance; introductions were made. Allan Lammers, Executive Officer, briefly reviewed the agenda, as well as the meeting materials that were distributed to Council Members. There were no changes noted to the minutes of May 17, 2007. Duane McWaine moved and Dave Meyer seconded the motion to approve the minutes – Passed.

AGENDA ITEM 2 – Legislation Discussion

Senate Bill (SB) 568 – COMIO Members expressed concern that this bill would authorize forced medication of mentally ill in county jails with no other treatment attached. While the California Sheriff's Association supports the bill and it is geared towards those mentally ill who languish in jails which the Council recognizes as a major problem, there seems to be a need for further treatment modalities to be addressed and included in the bill.

Other updates were discussed related to SB851, SB391 and AB900.

AGENDA ITEM 3 – Competency to stand trial - Recommendations for Minimum Standards for Assessing Mental Incompetence in the Justice System

Dave Meyer introduced the subject by suggesting that "insanity" is a condition at the time of the crime and "competency" is the *here and now* capacity to stand trial. As evaluators are reaching decisions, they should be reviewing medical records because the records could indicate that this may or may not be a mental illness situation and that treatment could be something other than hospitalization.

Once the competency hearing is initiated, it must be completed. Judge Manley expressed the fact that 1368 proceedings have become increasingly frustrating for the bench due to delays in LPS procedures. "Using common sense, we are moving 1368 cases into mental health courts and into the community, and success has been achieved in this procedure without offenders going back into jail...why waste the time and funds for processing if this works?" Dr. Mayberg added that the hospitalization process may take 4-8 months so "it's recycling with no treatment".

Jo Robinson suggested that we should be addressing misdemeanants as well as felons, treat people at the acute level and not just when they're incompetent, and add training dollars to make this happen.

Dr. Mayberg observed that we need to expand community treatment options and involve the courts because we can do this more quickly than we could if we try to develop legislation. Developing such options may help with the Valdivia issues as well as for corrections.

AGENDA ITEM 4 – Update on impact on the Department of Mental Health and County Mental Health as a Result of Pay Increases for Forensics Services in State-Level Corrections

A recent court ruling has resulted in a dramatic increase in the return of professionals to the facilities, however, the real issue is that there is a limited pool of people trained in forensics and we are close to tapping out that pool. This situation could be compounded by AB900 – it's great to propose such staffing, but who is there to do it?

AGENDA ITEM 5 – Report on fourth Words to Deeds Conference

"It was an amazing conference," reported Jo Robinson. Dave Meyer explained that the most important product was to allow the fifteen county mental health Directors in attendance to hear the frustrations of courts and law enforcement about how generally they have been left out of the county level Prop 63 process funding results in spite of their participation in that process. Dr. Mayberg observed that the Directors were clearly surprised by the passion and criticism that was voiced at the conference. He also expressed "kudos" to the planners and the participants.

AGENDA ITEM 6 – Letter to Counties/Best Practices

A draft of the survey questions was reviewed and approved by the Council with direction to finalize the format. It was agreed that recipients of the survey should include Sheriffs, Presiding Judges, Probation Chiefs, CIMH and MIOCR projects through CSA. It was suggested

that electronic submission be an option and maybe there would be the possibility of Prop 63 funds to support the effort in the future. President Kenneth A. Carabello of the California Forensics Mental Health Association offered his support and together our two organizations agreed to explore an award presentation opportunity at their 2008 annual conference in Monterey.

AGENDA ITEM 7 – Orange County Strategy for Implementing AB 900

As promised at the previous COMIO meeting Council Member Charles Walters provided a presentation regarding how the Orange County Sheriff's Department (OCSD) will implement AB 900. OCSD plans to look at existing programs/existing facilities/existing bed space in order to create short/long-term plans for programming mentally ill offenders. A prepared handout was given to Council Members.

AGENDA ITEM 8 – Status and Update on MIOCR Projects

Helene Zentner provided an update of MIOCR project progress including a new MIOCR newsletter and expressed concern about the future of the project based on current annual budget issues. It is premature to have much in the way of statistical information, but she noted that there are thus far no out-of-home placements and no hospitalizations in the projects. CIMH is providing some exceptional training using DMH funding to provide counties with low cost training. One hundred county people participated in a two day clinical training effort and two Functional Family therapy classes have 50 registered for each course. A total of thirteen counties with adult MIOCR programs and seven with juvenile MIOCR programs have enrolled in these training programs.

AGENDA ITEM 9 – Old Business

None

AGENDA ITEM 10 – New Business

None

AGENDA ITEM 11 – Announcements

None

ADENDA ITEM 12 - Adjournment

A motion to adjourn the meeting at noon was made by James Sweeney and seconded by Dave Meyer – Passed.

MINUTES RECORDED AND SUBMITTED BY:

Allan Lammers,
COMIO Executive Officer